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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,278	10/16/2003	Tim Stanley	19538-07295	3779
758 7590 02/05/2007 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER WEBER, CHRISTOPHER STEVEN	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/05/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/688,278

Applicant(s)

STANLEY ET AL.

Examiner

Christopher S. Weber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/21/2005, 04/26/2006, 10/03/2006.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because Figure 2 does not indicate what condition determines the subsequent action following Step 210 and Step 212. Examiner recommends adding a "Yes" and "No" indication following Steps 210 and 212. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: Item 106a is referred to as "Slot Management System" in Figure 1 as well as paragraph 0017. However in paragraph 0013, item 106a is referred to as a "Slot Data System".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 1 and 4 recite the limitation "a customer account an indication that the customer's gaming" in Line 3. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 4 includes a first casino and a second casino. The first casino has certain customer account information and the second casino receives certain customer activity information. The claims do not distinctly point out what is causing the game to shut down. Is it the info from the first casino? Is it the info from the second casino? Is it the combination of the two pieces of information? If so, how does the information from one get to the other? The info that the second casino is receiving is different than that which the first casino is storing.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier et al. US Patent 7,016,876 (Herein "Lanier") in view of Kazaoka et al. US Publication 2002/014824 A1 (Herein "Kazaoka") in further view of Fertitta III Et al. US Patent 6,302,793 (Herein "Fertitta") in further view of the Mississippi Gaming Commission Regulations.

Regarding at least claims 1, 4, 9, 13, 20 and 21, Lanier discloses storing information regarding a customer gaming activity restriction in a customer account, receiving information that the customer is participating in a restricting gaming activity (check cashing) and preventing them from participating in that activity; and an ID card reader interpreted to encompass card-in information. Abstract, Col 2 Lines 33-57.

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Lanier does not expressly disclose preventing a game machine from being played or information shared between multiple casinos.

Regarding at least claims 1-4, 18 and 19, Kazaoka discloses electronically preventing a gaming machine from being played based on some influence with the intention of assisting in the fight against gambling addiction; an alarm to notify both the player and the casino of the situation. Abstract, 0003, 0022, 0026, 0027. Examiner interprets "persons around player" to include casino employees.

Regarding at least claims 4 and 9, Fertitta discloses a player tracking system allowing game machines to retrieve customer information through a card-in feature. The Player tracking systems allows for individual casinos to enter player information, which is then routinely updated for use at other casinos. Abstract, Col 2 Lines 36-66.

Regarding at least claims 1, 4-8, 10-17, 20, and 21, The Mississippi Gaming Commission Regulations disclose prevention of gaming activities by restricted customers; sending updated information to casino to update their common database; making log and submitting to the state any customers that require restriction; the information sent to the casinos include details of the restriction such as the extent (complete exclusion), period (up to life), whether the restriction is voluntary or involuntary; excluded members could be prevented from obtaining credit, cashing checks, using table games, using game machines, accruing comps, received promotions. Primarily Part J Section 4.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Exclusion List method taught by Lanier, the exclusion list taught by the

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Mississippi Gaming Commission, the multi-property player tracker system taught by Fertitta and the Game inhibitor taught by Kazaoka. Lanier teaches the social and criminal consequences from gambling problems, Col 1 Lines 14-15, Col 2 Lines 25-29. Lanier also teaches that it is to everyone's benefit to prevent this problem through automated use of an exclusion list. Lanier also teaches a host computer as well as being able to input and output information to the host computer from other sources. The multi-property system taught by Fertitta would satisfy the requirement. Kazaoka also teaches the dangers of gaming problems and disclose the solution of shutting down the machine and notifying personnel. The Mississippi gaming commission teaches the exclusion list can be used for check cashing as in Lanier or for actual gaming such as in Kazaoka through the use of player tracking card. The combination of Lanier/Kazaoka/Fertitta/MGCR would produce a casino system effective at preventing involuntary or voluntary unauthorized gaming and help combat the ever-growing gambling addiction problem as taught by all four references.

Claims 20 and 21 are directed to a computer readable medium of the method of Claims 1-19. Lanier, Fertitta, Kazaoka, and the Mississippi Gaming Commission Regulations teach, either alone or in combination as stated above, the method as set forth in Claims 1-19. Therefore, Lanier, Fertitta, Kazaoka, and the Mississippi Gaming Commission Regulations also teach, either alone or in combination as stated above, a computer readable medium as set forth in Claims 20 and 21.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.



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Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

***Citation of pertinent prior art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Boushy US Patent 5,761,647 – Customer Recognition System

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Weber whose telephone number is 571-272-3064. The examiner can normally be reached on Monday - Friday 7am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSW

Ronald A. Greer  
Primary Examiner  
2/1/07